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February 25

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CONCORD, N.H.

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Mr. Barry:

This is in reply to your letter of February 20, 1958, requesting an interpretation by this office of certain provisions of RSA 167-A (supp) as inserted by chapter 264, Laws of 1957, which establishes the State Council on Problems of the Aged consisting of four lay members, two legislative members and five specified state officials as members ex-officio.

RSA 167-A:4 (supp) provides that
" . . . the legislative and non-ex-officio members may be reimbursed for any necessary traveling expenses . . . " within the limits of the five hundred dollars appropriated for the purposes of the Council by Laws of 1957, 264:2.

Your first question asks us to rule as to what rate of mileage should be paid to the eligible members of the Council for attendance at Council meetings. We are of the opinion that the rate of mileage reimbursement for both legislative and non-ex-officio members of the Council is to be determined by application of the provisions of RSA 99-A:1 (supp) which provides as follows:

"State officials and employees using private cars in the conduct of official state business shall be reimbursed for mileage at the following rates, based on the number of miles travelled in any one fiscal year: For the first 12,000 miles seven cents per mile, for the next 6,000 miles six cents per mile, and for all miles in excess of 18,000 miles five cents per mile."

We do not deem the functions of this Council to be "official business of the legislature" within the meaning of RSA 14:16-a which reads as follows:

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"Any member of the general court who is on official business of the legislature in Concord days other than when the legislature is in session, duly authorized by the presiding officer of the branch of which he is a member, shall be allowed the same mileage as he would have been allowed had the legislature been in session on said day."

Your second question is whether or not the legislative or non-ex-officio members of the Council may be reimbursed for meals in connection with their attendance at Council meetings. We reply in the affirmative as we believe that the cost of such meals is included in the term "necessary travel expenses". See Volume 42A Words and Phrases, page 24, where the following language appears:

"Traveling expenses", strictly speaking, are expenditures made in going from one place to another at a distance, but, as commonly understood, generally comprehend transportation costs and other expenses reasonably incident thereto while on journey, including lodging, meals, and kindred expenses."

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR/lt